

REMARKS

Reconsideration of this application is respectfully requested.

Claim 16 has been amended to correct a typographical spelling error. Claims 36 through 39 have been added to more fully claim the present invention. There has been no change in substance and no new matter is involved since the basis for the new claims is found in the Examples and in the specification on page 23, lines 3 through 9 for Claims 36 and 38, and on page 23, lines 10 through 21 for Claims 37 and 39.

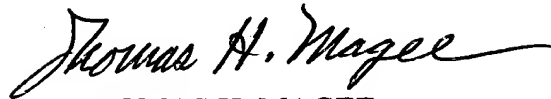
The rejection of Claims 1, 3 through 22 and 25 through 35 as being unpatentable over Grinevich et al. (U.S. 6,479,217), under 35 U.S.C. 103(a), is respectfully traversed. Claims 1 and 33 define a photopolymerizable element for use as a flexographic printing plate comprising a support and a photopolymerizable elastomeric layer on the support. The photopolymerizable layer comprises a binder, at least one monomer, a photoinitiator, an onium salt and a leuco dye, wherein the onium salt is selected from the group consisting of phosphonium salts, selenonium salts, triarylselenonium salts, iodonium salts, diaryliodonium salts, sulfonium salts, triarylsulphonium salts, dialkylphenacylsulphonium salts, triarylsulphoxonium salts, aryloxydiarylsulphoxonium salts, dialkylphenacylsulphoxonium salts, and combinations thereof. Claims 20, 34 and 35 define a process for making a flexographic printing plate comprising providing a photosensitive element that includes a photopolymerizable elastomeric layer on a support. The photopolymerizable layer comprises a binder, at least one monomer, a photoinitiator, an onium salt and a leuco dye. The photopolymerizable layer is imagewise exposed to actinic radiation forming polymerized and unpolymerized portions in the layer, and also backflash exposed through the support to actinic radiation to form a floor. The imagewise exposed layer is then treated to remove the unpolymerized portions and form a relief surface having raised areas that contrast in color with the floor.

Attached herewith is a Declaration under 37 CFR 1.131 of inventor Adrian Lungu showing a completion of the claimed invention in this country before the filing date of Grinevich et al. on February 22, 2001. Applicant respectfully submits that the facts set forth in the Declaration show that the claimed invention was completed in this country prior to or on January 29, 2000, thereby predating the February 22, 2001 filing date of Grinevich et al. and removing Grinevich et al. as a competent reference under 35 U.S.C. 102 (a), 35 U.S.C. 102(e) and 35 U.S.C. 103(a).

Since Grinevich et al. is no longer a competent reference under 35 U.S.C. 103(a), it is respectfully submitted that the invention recited in Claims 1, 20 and 33 through 35 is neither anticipated nor obvious to one skilled in the art. The allowance of these claims along with dependent Claims 3 through 19, 21, 22, 25 through 32 and 36 through 39 is therefore respectfully solicited.

Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Thomas H. Magee". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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Enclosure